



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,311	02/15/2001	Lawrence D. Hartsook	23712-05099	7055
758 7590 03/29/2010 FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041				
EXAMINER				
DARNO, PATRICK A				
ART UNIT		PAPER NUMBER		
2158				
MAIL DATE		DELIVERY MODE		
03/29/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/788,311

Applicant(s)

HARTSOOK ET AL.

Examiner

PATRICK A. DARNO

Art Unit

2158

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 12, 14, 17-22, 24-27 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 14, 17-22, 24-27 and 29-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/15/2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. No new claims were added. Claims 10, 13, 15, 16, 18, 23, and 28 are canceled. Claims 1, 19, 24, and 30 are amended. Claims 1-9, 11, 12, 14, 17, 18, 19-22, 24-27, and 29-33.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-9, 12, 14, 17, 19-22, 24-27, and 30-33 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,766,330 issued to Shyh-Kwei Chen et al. [hereinafter “Chen”].

Claim 1:

Chen discloses a computer implemented method for dynamically rendering data in a markup language [Chen: abstract, lines 6-10 and column 2, lines 52-55], the method comprising:

identifying a symbol in the data in the markup language, the symbol indicating a query of a data set [Chen: Fig 4, element 410 and Fig. 6C, element 1535; Note the “::” symbol which denotes the start of the query value assignment statement.], the query containing one or more variables [Chen: Fig. 6C, element 1505; The query statement includes at least the variables company, id, and PO.buyer(r).], each variable of one of a plurality of data types [Chen: Fig. 6C, element 1535; Each of the variables [company, id, and PO.buyer(r).] are of at least one of all existing data types.], wherein

the markup language is augmented with a variable resolution functionality to support the variables [Chen: Fig. 6C; Note that the query in Fig. 6C which is used to assign a result to the variable is within the markup language tag. This clearly shows that the markup language as been modified, altered, or augmented.], each variable resolving to two or more variable values [Chen: Fig. 6A, element 410, 6C, element 1535 and column 10, line 54 - column 11, line 14; Note particularly variables, such as “company” may resolve to two or more variable values such as “IBM” or “CITIBANK” [Chen: Fig. 6A, element 1310].];

accessing the data set in order to generate a resolution to the query [Chen: Fig. 6A and column 10, line 28 – column 11, line 15 and column 5, lines 38-39; Note that data sets, such as those set forth in Fig. 6A are accessed to generated a result or resolution to the query.], wherein the one or more variables contained in the query are resolved as part of the generation of the resolution to the query [Chen: see Figs. 6C and 6E; Notice that the variables in the query shown in Fig. 6C, elements 1535 like “company” are resolved to a value for a particular company name as shown in Fig. 6E, elements, 2005, 2010 that was stored in the data set such as “CITIBANK” or “IBM”], the query associated with a tag in the markup language [Chen: Fig. 4, element 410 and Fig. 6C; Note particularly that the queries in Fig. 4, elements 410 and Fig. 6C, element 1535 are included within the markup language tag.];

substituting the two or more variable values for each variable into the query to generate two or more completed queries [Chen: column 2, lines 49-55 and column 6, lines 28-31 and Figs. 6C and 6E; Note that a list of values can be returned for each variable in the query.]; and

dynamically rendering the resolution to the two or more completed queries together as a part of the markup language [Chen: abstract, lines 5-10 and column 2, lines 49-55 and column 3, lines 46-58 and column 5, lines 37-42; Note that result or resolution of “one or more queries” is assigned to “binding variables”. Clearly Chen discloses wherein a plurality of two or more queries may be processed together, and

rendered into the final mark-up language document.], according to at least one rule associated with the markup language [Chen: column 5, lines 33-35; Appears to show tests or rules that must be satisfied for a for values to be returned as part of the vector [i.e., all values less than 100 or all values greater than 10].] wherein said symbol can be used to dynamically render multiple data sets [Chen: column 2, lines 43-55 and column 5, lines 38-39; Note that "data from various data sources is integrated" into a markup language document.].

Claim 2:

Chen discloses all the elements of claim 1, as noted above, and Chen further discloses wherein the symbol comprises a delimited token *[Chen: column 1, lines 48-53 and column 3, lines 46-48 and Fig. 4, elements 410; The delimited token is the XPATH query. This assertion is made because page 8 of the Applicant's specification expressly asserts that "[a]n XPath query is a delimited token."].*

Claim 3:

Chen discloses all the elements of claim 1, as noted above, and Chen further discloses wherein the symbol is located within the data in the markup language such that the query is associated with a markup language tag *[Chen: Fig. 4, element 410 and Fig. 6C; Note particularly that the queries in Fig. 4, element 410 and Fig. 6C, element 1535 are included within the markup language tag.].*

Claim 5:

Chen discloses all the elements of claim 3, as noted above, and Chen further discloses wherein rendering further comprises:

rendering the resolution according to at least one rule associated with the markup language tag with which the query is associated *[Chen: column 5, lines 33-35; Appears to show tests or rules that must be satisfied for a for values to be returned as part of the vector [i.e., all values less than 100 or all values greater than 10].].*

Claim 6:

Chen discloses all the elements of claim 1, as noted above, and Chen further discloses wherein the data set comprises a set of at least one document in a hierarchically structured format [Chen: column 8, lines 34-36; Note that the queries may access "XML repositories." XML documents are hierarchically structured.].

Claim 7:

Chen discloses all the elements of claim 6, as noted above, and Chen further discloses wherein the hierarchically structured format comprises Extensible Markup Language [Chen: column 8, lines 34-36; Note that the queries may access "XML repositories." XML documents are hierarchically structured.].

Claim 8:

Chen discloses all the elements of claim 7, as noted above, and Chen further discloses wherein the symbol conforms to an Extensible Markup Language standard concerning queries [Chen: column 1, lines 48-53 and column 3, lines 46-48 and Fig. 4, elements 410; Note particularly "XPath". XPath is one type of XML query standard.].

Claim 9:

Chen discloses all the elements of claim 1, as noted above, and Chen further discloses wherein the data set comprises a database [Chen: column 8, lines 20 – 38 and Fig. 6A].

Claim 12:

Chen discloses all the elements of claim 1, as noted above, and Chen further discloses generating a resolution to the query by retrieving a node set from a set of documents in

Extensible Markup Language [Chen: column 9, lines 18 and column 9, lines 26-28 and column 8, lines 34-38]; and

rendering each member of the node set [column 2, lines 52-55].

Claim 14:

Chen discloses all the elements of claim 1, as noted above, and Chen further discloses wherein each variable contained in the query comprises a token bounded by delimiters [Chen: Fig. 6C, element 1535].

Claim 17:

Chen discloses all the elements of claim 1, as noted above, and Chen further discloses receiving an input from a user [Chen: column 8, lines 24-26 and column 8, lines 9-13]; responsive to receiving the input, updating the data set based at least in part on the received input [Chen: column 8, lines 24-26 and column 8, lines 13-15].

Claim 19:

Claim 19 is rejected under the same reasons set forth in the rejection of claim 1.

Claim 20:

Claim 20 is rejected under the same reasons set forth in the rejection of claim 5.

Claim 21:

Claim 21 is rejected under the same reasons set forth in the rejection of claim 12.

Claim 22:

Claim 22 is rejected under the same reasons set forth in the rejection of claim 17.

Claim 24:

Claim 24 is rejected under the same reasons set forth in the rejection of claim 1.

Claim 25:

Claim 25 is rejected under the same reasons set forth in the rejection of claim 5.

Claim 26:

Claim 26 is rejected under the same reasons set forth in the rejection of claim 12.

Claim 27:

Claim 27 is rejected under the same reasons set forth in the rejection of claim 17.

Claim 30:

Chen discloses all the elements of claim 1, and Chen further discloses wherein augmenting the markup language with a variable resolution functionality to support the variables further comprises providing a variable table for storing names and values of the variables, each variable of one of the plurality of data types [*Chen: Fig. 6A*]; and

utilizing a syntax in the markup language for creating the variables by adding the variables to the variable table [*Chen: column 9, lines 19-32*].

Claim 31:

Chen discloses the method of claim 1, wherein each completed query comprises a node [*Chen: see Fig. 6C, element 1535 and Fig. 6E, 2005*] and the at least one rule is associated with a tag describing cells of a rendered table [*Chen: column 5, lines 29-35 and column 11, lines 44-45*] and directs rendering of each node belonging to each completed query as a cell of the rendered table [*Chen: column 2, lines 52-55 and column 5, lines 29-42*].

Claim 32:

Claim 32 is rejected under the same reasons set forth in the rejection of claim 31.

Claim 33:

Claim 33 is rejected under the same reasons set forth in the rejection of claim 31.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, and further in view of U.S. Patent Application Publication Number 2007/0016909 issued to Taylor S. Gautier [hereinafter "Gautier"].

Claim 4:

Chen discloses all the elements of claim 4, as noted above, but Chen fails to expressly disclose wherein the markup language comprises Hyper Text Markup Language.

However, Gautier discloses wherein the markup language comprises Hyper Text Markup language [Gautier: paragraph [0028]].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Chen with the teachings of Gautier noted above. The skilled artisan would have found it "obvious to try" the markup language HTML [Hyper Text Markup Language] because the prior art presents a finite list of markup languages for solving the problem of storing and/or displaying data which include HTML. Since such a finite list is set forth in the prior art, it would have been obvious for the skilled artisan to try each solution in order to determine which one yields the most desired results.

4. Claims 11 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, and further in view of U.S. Patent Application Publication Number 2002/0032706 issued to Jesse Perla et al. [hereinafter "Perla"].

Claim 11:

Chen discloses all the elements of claim 1, as noted above, but Chen fails to expressly disclose wherein generating rendering is performed by software running on a hand held computing device.

However, Perla discloses wherein generating rendering is performed by software running on a hand held computing device [*Perla: paragraph [0007] and [0034]*].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Chen with the teachings of Perla noted above. The skilled artisan would have been motivated to improve the teachings of Chen per the above in order to create web pages specifically formatted for the display of a cell phone [*Perla: paragraph [0034, lines 5-6]*] in order to increase the spread of information via the internet [*Perla: paragraph [0001]*].

Claim 29:

Chen discloses all the elements of claim 3, as noted above, but Chen fails to expressly disclose wherein the markup language comprises Wireless Markup Language.

However, Perla discloses wherein the markup language comprises Wireless Markup Language [*Perla: paragraph [0007] and [0034]*].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Chen with the teachings of Perla noted above. The skilled artisan would have been motivated to improve the teachings of Chen per the above in order to

create web pages specifically formatted for the display of a cell phone [Perla: paragraph [0034, lines 5-6]] in order to increase the spread of information via the internet [Perla: paragraph [0001]].

Response to Arguments

Examiner Notes:

- Applicant's arguments received 02/20/2010 are believed to be moot in light of the new grounds of rejection presented by the Examiner.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. DARNO whose telephone number is (571)272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on (571) 272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammad Ali/
Supervisory Patent Examiner, Art Unit 2158

/Patrick A. Darno/
Examiner
Art Unit 2158
03-25-2010

PAD